

# Notice of Allowability

Application No.

10/015,236

Examiner

Huy D Nguyen

Applicant(s)

DIETZ ET AL.

Art Unit

2681

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/13/2001.
2. ☒ The allowed claim(s) is/are 1-6, 14, 16-21 and 29.
3. ☒ The drawings filed on 27 February 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Peter B. Manzo on 10/19/2004.

The application has been amended as follows:

Claim 1, line 2: after "broadcast", -- in an automobile -- has been inserted.

Claim 1, line 3: before "ceasing", -- automatically -- has been inserted.

Claim 1, line 5: before "recording", -- automatically -- has been inserted.

Claim 1, line 7: before "presenting", -- automatically -- has been inserted.

Claim 14, line 2: after "broadcast", -- in an automobile -- has been inserted.

Claim 14, line 8: before "cease", -- automatically -- has been inserted.

Claim 14, line 9: before "record", -- automatically -- has been inserted.

Claim 14, line 11: before "present", -- automatically -- has been inserted.

Claim 16, line 2: after "broadcast", -- in an automobile -- has been inserted.

Claim 16, line 3: before "ceasing", -- automatically -- has been inserted.

Claim 16, line 5: before "recording", -- automatically -- has been inserted.

Claim 16, line 7: before "presenting", -- automatically -- has been inserted.

Claim 29, line 2: after "broadcast", -- in an automobile -- has been inserted.

Claim 29, line 4: before "ceasing", -- automatically -- has been inserted.

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Claim 29, line 6: before "recording", -- automatically -- has been inserted.

Claim 29, line 8: before "presenting", -- automatically -- has been inserted.

2. The following is an examiner's statement of reasons for allowance:

Regarding claims 1, 14, 16, and 29, the closest prior art, Sano (U.S. Patent No. 6,442,390) teaches a method in a data processing system for controlling presentation of an audio broadcast, the method comprising: in response to detecting a mobile phone call, ceasing presentation of the audio broadcast (Col. 1, lines 30-32); However, the closest prior arts, Sano and Schier (U.S. Patent No. 6,434,362), either singularly or in combination, fail to anticipate or render obvious that in response to detecting the mobile phone call, automatically recording the audio broadcast to form recorded audio presentation data; and automatically presenting the recorded audio presentation data when the mobile phone call ends.

Claims 2-6 depend on claim 1. Therefore, they are allowable.

Claims 17-21 depend on claim 16. Therefore, they are allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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- Hubbard (U.S. Patent No. 4,268,724) teaches continuous timed segment broadcast recorder system.
- McCormack et al. (US 2002/0136384) teaches provision of media content to telephony callers on-hold.
- Raith et al. (U.S. Patent No. 6,115,596) teaches systems and methods for handling emergency calls in hierarchical cell structures.
- Lortz (U.S. Patent No. 6,349,410) teaches integrating broadcast television pause and web browsing.
- Nakano (US 2003/0158741) teaches content recording/reproducing apparatus, storage medium and computer program.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D Nguyen whose telephone number is 703-305-3283. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 703-308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HN

Huy Nguyen

  
DAVID HUDSPETH  
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